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December 15, 2004

FAX NO. 202-219-3923

**Mr. Lawrence L. Calvert
Deputy Associate General Counsel for Enforcement
Office of General Counsel
Federal Election Commission
999 E Street NW
Washington, D.C. 20463**

RE MUR 5349

Dear Mr. Calvert:

I represent Vance K. Opperman. This letter is to demand immediate corrective action with respect to the baseless and unwarranted August 16, 2004, "admonishment letter" issued but not delivered by the Federal Election Commission ("FEC") to Mr. Opperman in connection with MUR 5349. Specifically, I demand on behalf of Mr. Opperman that the FEC not make public the August 16 "admonishment letter" and other documents relating to Mr. Opperman's involvement in this matter. See 2 U.S.C. § 437g(a)(12)(A) (prohibiting public disclosure of "[a]ny notification or investigation" without the written consent of the respondent); see also AFL-CIO v. Federal Election Com'n, 177 F. Supp.2d 48 (D.D.C. 2001), aff'd 333 F.3d 168 (D.C. Cir. 2003). Further, I demand that the FEC withdraw its findings with respect to Mr. Opperman and acknowledge such "findings" are unfounded. These demands are based on the following facts:

Mr. Opperman and I first became aware of the August 16 letter -- which identifies Mr. Opperman as a "respondent" in MUR 5349 and states that the FEC found "reason to believe" Mr. Opperman had violated 2 U.S.C. § 441a(a)(1) -- on Monday, December 13, when I received a copy from FEC Press Officer Ian Stirton. The August 16 letter was misaddressed to 100 Washington Avenue South, Suite 220, Minneapolis, Minnesota. As the FEC itemized receipt reports relating to the contributions at issue make clear, Mr. Opperman's mailing address is (and has been for many years) 225 S. 6th St., Ste. 5200, Minneapolis, Minnesota. Further, this was the address on the contribution checks at issue.

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As a result of the FEC's error, Mr. Opperman did not receive notice that his contributions had given rise to a "Matter Under Review" and had no opportunity to respond. Mr. Opperman first learned that his contributions had come under scrutiny when he read about it in a November 24, 2004, article in the *Minneapolis StarTribune*. In that article, in which Mr. Stirton is quoted extensively, Mr. Opperman is said to have been "admonished" in an FEC ruling. All news to him.

If Mr. Opperman had received notice of the MUR, he would have demonstrated that his contributions did not violate 2 U.S.C. § 441a(a)(1) and that there was no cause to issue an "admonishment letter." Mr. Opperman's checks were to the DFL Party and to the House DFL Caucus for use in state (not federal) races in 2002. The House DFL Caucus unilaterally deposited Mr. Opperman's contribution, without Mr. Opperman's knowledge, in the House DFL Caucus' federal account. Alan Weinblatt, counsel for the House DFL Caucus, wrote to you on December 10, 2004, confirming these facts.

Because Mr. Opperman did not receive notice, he has been denied the opportunity to defend himself and has suffered damage to his personal and business reputations. To prevent further damage, and to attempt to repair the damage that has been done, the FEC must take the corrective action described above. If further information is required to demonstrate that there is no basis for a "reason to believe" finding or "admonishment letter" related to Mr. Opperman's contributions, please advise me immediately.

Please respond today, Wednesday, December 15, 2004, by 4:00 p.m. (CST), or earlier if posting of the letter of admonishment and related materials on the FEC's website is imminent. Mr. Opperman reserves the right to seek immediate relief from the courts.

I enclose for your convenience copies of the August 16, 2004, letter of admonishment (received December 13, 2004); the December 10, 2004, Weinblatt letter; and the November 24, 2004, *StarTribune* article. Thank you.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.



Charles N. Nauen

Enclosures

c: Ian Stirton, FEC
Vance K. Opperman